

REMARKS

Claims 1-17 and 19-20 and 24-27 remain in the application. Claims 1-17 and 19-29 stand rejected. Claims 1, 11, 14, 15, 19 and 24-27 have been amended.

Applicant believes the amendments don't add new matter. Support is described below in regards to the 112 rejection.

Rejections under 35 U.S.C. § 112, first paragraph

Support for the amended claims is described with respect to US pub no. 20040152511 which is the published analog of this application. Examiner rejected to the language “in response to a wager,” which has been deleted for the purposes of clarification and to move prosecution forward. The term “incoming wager” has been added to the amended claims and is recited in paragraph 82 below. Applicant believes the claims as amended are supported and a number of supporting paragraphs are provided herewith. For example, paragraph 82 recites (emphasis added by Applicant), “when including more then one gaming system into a single progressive, progressive management device 100 can modify the percentage amount of the wager on each gaming system that is applied towards the progressive award. For example, in one implementation, analysis device 120 (FIG. 2) examines the progressive payout parameters associated with an incoming wager. Once the analysis has been performed, a progressive payout parameters integrator 135 can be used to ensure that progressive engine 130 is incremented by the correct amount from each progressive wager. The percentage of wager information is stored in database 145 for use with subsequent wagers from the same gaming system 180 (FIG. 1).” Applicant respectfully asks the Examiner to withdraw their rejection.

Rejections under 35 U.S.C. § 112, second paragraph

Examiner recites, “Examiner is interpreting the claims in light of the specification which seems to be describing a system where the withholding rate is set such that all gaming machines pay in equal amounts to the bonus pool regardless of the denomination or currency and is examining as such.” Applicant believes Examiner’s interpretation of the claims is improper. Applicant directs the Examiner to section 2106 of the MPEP, 8th addition, revision 6, August 2007, page 2100-7-2100-8, which recites, “Limitations appearing in the specification appearing in the specification but not recited in the claim should not be read into the claim” and “While it is appropriate to use the specification to determine what applicant intends a term to mean, a positive limitation from the specification cannot be read into a claim that does not itself impose the limitation.”

The “in response” language objected to by the examiner has been removed. Claims as amended recite limitations, such as recited in claim 14, that “the progressive management device is operable to select a percentage of a wager amount to be applied to the progressive jackpot of an incoming wager such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the selected percentage of the wager amount to be applied to the progressive jackpot is equal for the first and the second gaming systems” or, such as recited in claim 1, that “the progressive management device operable to 1) receive an incoming wager amount from the first gaming system wherein a portion of the incoming wager amount is to be applied to the progressive jackpot and 2) determine a new percentage of the incoming wager amount to be applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot and the new percentage of the incoming wager amount to be applied to the progressive jackpot is equal for the first and second gaming system.” Support for these limitations is found at least with respect to paragraphs 85-90 which also include an example calculation.

Examiner recites “Examiner could find no explanation for why the percentage would also vary in response to an individual wager.” The percentage as described in the claims in one embodiment will vary for an individual wager depending upon the progressive payout parameters of the gaming system from which the individual wager was received. Applicant believes claims as amended overcome the rejection made by the Examiner and respectfully asks for the rejection to be withdrawn.

Examples of support for claims as amended

[0067] FIG. 3 shows a method for managing a progressive. Progressive management device 100 receives a wager placed by a player through an originating gaming system (step 300). In this case, the originating gaming system is gaming system 180. Progressive management device 100 analyzes the wager, including the amount of wager and the originating gaming system (step 310). Progressive management device 100 determines the amount of the wager to be applied to the progressive (step 320). Details of the determining performed in step 320 is provided below with respect to FIG. 4. Progressive management device 100 increments the progressive based on the analysis at step 320 (step 330).

[0076] The system receives requests from one or more gaming systems to participate in the progressive (step 420). The request can be received by progressive management device 100

from gaming servers 170 through network 160 and optionally gateway 150. The request can include a request for participation of gaming server managed gaming systems in the progressive. The request can include information describing characteristics of a gaming system seeking participation, including and not limited to the gaming system's progressive payout parameters.

[0081] The system includes the gaming systems into the new progressive, where the progressive incorporates gaming systems having different progressive payout parameters (step 450). When adding gaming systems having different progressive payout parameters to a progressive, adjustment of the individual gaming system progressive payout parameters may be required to produce a viable game. Adjustments can be made based on the wager requirements, the odds of winning, or the amount of the wager that is credited to the progressive.

[0082] When including more than one gaming system into a single progressive, progressive management device 100 can modify the percentage amount of the wager on each gaming system that is applied towards the progressive award. For example, in one implementation, analysis device 120 (FIG. 2) examines the progressive payout parameters associated with an incoming wager. Once the analysis has been performed, a progressive payout parameters integrator 135 can be used to ensure that progressive engine 130 is incremented by the correct amount from each progressive wager. The percentage of wager information is stored in database 145 for use with subsequent wagers from the same gaming system 180 (FIG. 1). The percentage amount of the wager is selected so that for each gaming system the product of the wager required to be eligible for the progressive, the percent of that wager applied to the progressive, and the probability of winning the progressive, is identical for each gaming system linked to the progressive regardless of the progressive payout parameters of the individual gaming system.

[0085] For example assume that there are two gaming systems to be included in the same progressive, gaming system A and gaming system B. Gaming system A is already part of the progressive and has a progressive payout parameters that includes a \$2 minimum wager amount to be eligible for a progressive and odds of a progressive outcome at one-in-50 million. Under the progressive, two percent of each wager from a user of gaming system A is applied to the progressive, or four cents. Thus, the percentage of wager applied is two percent. Gaming system B, to be included into the progressive, has a progressive payout parameters that also includes a \$2 minimum wager amount to be eligible for a progressive but the odds of a progressive outcome

are one-in-40-million. In order to include gaming system B into a fair progressive, the difference of odds between gaming system A and gaming system B must be taken into account. To compensate for the differing odds, the percentage of wager to be applied to the progressive from gaming system A is selected such that the product of the wager amount, game odds, and percentage of wager applied is identical in both gaming system A and B. That is:

[0086] Gaming System A Gaming System B

$$(\$2) * (2 \text{ percent}) * (\frac{1}{50} \text{ million}) = (\$2) * (y \text{ percent}) * (\frac{1}{40} \text{ million}).$$

[0087] Solving for "y" the percentage of wager to be applied from gaming system B is 1.6 percent. Consequently, for each two dollar wager placed by a user on gaming system A, four cents will be added to the progressive amount. However, for each two dollar wager placed by a user on gaming system B, three point two cents will be added to the progressive amount. The modification of the percentage of wager applied to the progressive allows gaming systems having different progressive payout parameters, including different odds of winning, to be included into the same progressive.

[0088] The modification of percentage of wager applied can be generalized to a situation in which at the creation of a progressive, the progressive parameters are determined including constant X by which the product of the wager, game odds, and percentage of wager applied for each gaming system is equal to X. Thus, for the previous example X is equal to 8.times.10.sup.-10:

$$X = 8.\text{times}.10.\text{sup}.-10 = (\$2) * (\frac{1}{50} \text{ million}) * (2 \text{ percent}) = (\$2) * (\frac{1}{40} \text{ million}) * (1.6 \text{ percent}).$$

[0089] By setting a constant parameter X at the initiation of a progressive, many different gaming systems having many different progressive payout parameters can be included in one progressive by modifying the percentage of wager applied to satisfy the parameter X. The amount of wager used in the preceding example (\$2) was chosen identical in each case to more easily illustrate the method for including gaming systems into the same progressive. The wager can be any amount and each gaming system can have a different wager amount without impacting the viability of the method. Regulations can play a key role in progressive payout

parameters structure.

[0090] In general, progressive management device 100 is able to process progressive payout parameters information for a gaming system and, through analysis, determine what percentage of the wager to apply to the progressive total in order for the gaming system to be consistent with the progressive. This allows for participation of gaming systems having different progressive payout parameters in the same progressive.

Rejections under 35 U.S.C. § 102

Claims 1-29 are rejected under 35 USC 102 as being anticipated by Torango. The rejection is respectfully traversed.

Claims as amended recite limitations, such as recited in claim 14, that “the progressive management device is operable to select a percentage of a wager amount to be applied to the progressive jackpot of an incoming wager such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the selected percentage of the wager amount to be applied to the progressive jackpot is equal for the first and the second gaming systems” or, such as recited in claim 1, that “the progressive management device operable to 1) receive an incoming wager amount from the first gaming system wherein a portion of the incoming wager amount is to be applied to the progressive jackpot and 2) determine a new percentage of the incoming wager amount to be applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot and the new percentage of the incoming wager amount to be applied to the progressive jackpot is equal for the first and second gaming system.”

Torango doesn't appear to describe how an incoming wager is to be modified. The description of FIG.5 in 13:60-14:21 as recited by the Examiner refer to checks that are to be made as to whether “a progressive game pay line can be linked to a progressive prize (Col. 12:58-60).” These calculations are performed before any incoming wagers are made. The odds don't appear to be used in these calculations or subsequent calculation and the surcharge is calculated such that contributions in each currency are equal in their value amount (see also FIG. 9 and its description). Further, Torango doesn't appear to describe receiving progressive payout parameters associated with an incoming wager. Thus, the modification of individual wagers in Torango in the manner recited in the pending claims doesn't appear to be described. Therefore,

for at least these reasons, Torango can't be said to anticipate the pending claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/David P. Olynick/
David P. Olynick
Reg. No. 48,615

Beyer, Weaver, LLP
P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100